

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK HUGHES,

Plaintiff,

File no: 4:04-CV-129

v.

HON. ROBERT HOLMES BELL

MICHAEL KELLEY,

Defendant.

\_\_\_\_\_/

**ORDER APPROVING MAGISTRATE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

NOW THEREFORE, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Defendant's motion for summary judgment (docket #30) is hereby **DENIED** in its entirety.

Date: May 1, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE